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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,577	01/23/2001	Norio Nagai	0905-0254P-SP	2339
2292	7590	07/28/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MISLEH, JUSTIN P	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,577

Applicant(s)

NAGAI, NORIO

Examiner

Justin P. Misleh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4 - 6 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims 1 and 2 have been considered but are moot in view of the new grounds of rejection.
2. The Examiner APPROVES Applicant's amendment to the title; thus, the objection to the title is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. **Claims 1, 2, 4, 5, and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowno et al. in view of Okamura in further view of Miyawaki et al.

Summary of Kowno et al.

Kowno et al. disclose, as stated in paragraphs 42, 56, 78, 81, 99, 157, 159, 162, 163, 170, 176, 184, and 185, an image sensing apparatus (1 – figures 1 – 4) comprising optical zooming (via the lens system 3 – figures 1 – 4) and electronic zooming (via CPU 39 – figure 4) wherein the zooming is actuated via a standard telephoto/wide angle switch (15 – figure 1) or via a user designation (see figures 8 – 11) on an display screen (via LCD 6 – figures 2 and 4). Kowno et al. also disclose that during image composition, when a preview image is displayed on the display screen (6), a user may operate the

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switch (15) or may designate, using the touch tablet (6A – figures 2 and 4), an area (via “a”, “b”, and “X” – figure 8) on the display screen (6) to perform zooming on the preview image (see transition from figures 8 → 9). According to Kowno et al., the zooming maybe strictly optical zooming by adjusting the focal length of a lens system (3 – paragraph 157), maybe strictly digital zooming by enlarging through interpolation (paragraph 157), or maybe a combination of optical zooming and digital zooming (paragraph 181). Lastly, Kowno et al. disclose a strobe/flash (4) for illuminating a scene, as necessary, during image composition (paragraph 42, 78, and 99).

5. For **Claims 1 and 2**, Kowno et al. disclose an image sensing apparatus (1) and a method of operating thereof comprising:

- an image sensing device (CCD 20) for sensing the image of a subject and outputting image data representing the image of the subject;

- a display control unit (CPU 39) for controlling a display unit (LCD 6) in such a manner that the image of the subject represented by the image data output from said image sensing device (CCD 20) will be displayed on a display screen (LCD 6);

- a designating unit (Touch Tablet 6A) for designating an electronic zoom area (figures 8 and 9) in the image of the subject displayed on the display screen (LCD 6);

- a light-emission control unit (Strobe Driving Circuit 37) for controlling a strobe-light emission device (Strobe 4) in such a manner that a part of the subject that corresponds to an image within the electronic zoom area is illuminated with strobe light (see Examiner's interpretation below).

While Kowno et al. teach illuminating an entire sensed image, which fully encompasses illuminating a part of the subject that corresponds to an image within the

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electronic zoom area in the entire sensed image and a recording control unit (CPU 39) for recording, on a recording medium (Memory Card 24), an image that has been captured by the image sensing device (CCD 20) after the image has been composed; Kowno et al. do not specifically disclose recording on the recording medium image data output from said image sensing device AND data indicating position of the electronic zoom area OR image data representing the image with the electronic zoom area and do not disclose wherein said light control unit changes a light emitting angle of the strobe light-emission device based on the designated zoom area.

In regards to the light emitting angle and in analogous art, Okamura also disclose an image sensing apparatus and a method of operating thereof including designating a zoom feature. More specifically, Okamura teaches, as shown in figures 1 and 2 and as stated in columns 3 (lines 1 – 5, 34 – 45, and 62 – 67) and 4 (lines 1 – 20), an image sensing apparatus including a zoom switch (113) such that when the zoom switch (113) is operated, a zoom lens (102) is moved accordingly, wherein a flash control device (109), also included in the image sensing apparatus, controls an angle of illumination of the flash (110) to correspond to a zoomed sensed image. Moreover, Okamura “controls the illuminating angle of the flash device 110 according to the magnification varying information.” Therefore, Okamura provides wherein said light control unit changes a light emitting angle of the strobe light-emission device based on the designated zoom area, as claimed.

As stated in column 1 (lines 20 – 22) of Okamura, at the time the invention was made it would have been obvious to one with ordinary skill in the art to have changed a light emitting angle of the strobe light-emission device based on the designated zoom

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area, as taught by Okamura, in the image sensing apparatus and corresponding method, disclosed by Kowno et al., for the advantage of “taking a shot of an object with an adequate amount of exposure.”

In regards to the recording and in analogous art, Miyawaki et al. also disclose an image sensing apparatus for sensing an image of a subject and a designating unit for designating an electronic zoom area in the image of the subject. More specifically, Miyawaki et al. teach, as shown in figures 11 – 13, an image sensing apparatus for sensing an image of a subject (101) and a designating unit (104) for designating an electronic zoom area in the image of the subject (see sequence in figure 12).

Furthermore, Miyawaki et al. also teach, as shown in figure 14 and as stated in column 13 (lines 18 – 54), that an image corresponding to an image within the electronic zoom area (child image plane) and that the sensed image (total image plane) may be superimposed and recorded in a recording medium (103). Therefore, Miyawaki et al. provides recording on the recording medium (103) image data output from said image sensing device (total image plane) AND image data representing the image with the electronic zoom area (child image plane).

As stated in column 14 (lines 30 – 39), at the time the invention was made, it would have been obvious to one with ordinary skill in the art have recording on the recording medium image data output from said image sensing device and image data representing the image with the electronic zoom area, as taught by Miyawaki et al., in the image sensing apparatus, disclosed by Kowno et al., for the advantage of providing a user perspective on the accuracy of user instructed image composition.

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6. As for **Claim 4**, Kowno et al. disclose, as shown in figures 8 and 9, wherein the image comprises a marking that is displayed at a center point of the electronic zoom area (Marking "a").

7. As for **Claim 5**, Kowno et al. disclose, as shown in figure 1, wherein said apparatus is a digital still camera.

8. As for **Claim 6**, Kowno et al. disclose, as stated in paragraph 185, wherein said designating unit is a zoom-area designating switch (15) of said digital still camera.

Allowable Subject Matter

9. **Claim 3** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

While the closest prior art teach of an image sensing apparatus comprising a strobe/flash unit for illuminating a scene and a designating unit for designating an electronic zoom area within that scene; the closest prior art does not teach or fairly suggest wherein an optic axis of the strobe/flash unit coincides with a center point of the electronic zoom area.

Cited Prior Art

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The following is a brief description of each of the cited prior art not used in the rejections, as labeled on the attached form PTO-892:

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o Each discloses, in the very least, an image processing apparatus with a flash control device for controlling the flash such that the flash illumination angle corresponds to a zoom magnification designating by a user operating a zoom magnification-designating switch on a camera.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

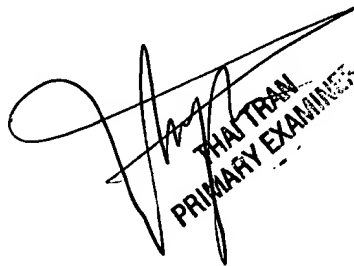
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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, ^{Thai Tran}~~Wendy R. Garber~~ can be reached on 571.272.7382⁷³⁸². The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

July 21, 2005


THAI TRAN
PRIMARY EXAMINER